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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,547	01/27/2004	Noriko Sato	00684.003580	9608
5514	7590	12/08/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			TRAN, LY T	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	

2853

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/764,547	SATO, NORIKO	
	Examiner	Art Unit	
	Ly T. TRAN	2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE filed 11/17/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4 and 6 is/are rejected.
- 7) ☐ Claim(s) 5 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/17/06 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al (USPN 5,075,609).

With respect to claims 1 and 6, Ito disclose an recording apparatus comprising:

- A carriage (fig.4: element 2) for carrying a recording head and scanning movable in the apparatus

- A guide shaft (fig.4: element 5a) for guiding the carriage in a predetermined scanning direction
- A belt (6) provided at a same side as the guide shaft with respect to the recording head;
- A guide rail (5b) provided at a side opposite from the guide shaft with respect to the recording head in the feeding direction for guiding the scanning movement of the carriage;
- An encoder scale having a record information relating to position of the carriage (11);
- An encoder sensor (12) provided on the carriage for detecting the information relating to the position of the carriage, the encoder sensor being disposed at a side opposite from the guide shaft with respect to the recording head
- the carriage is provided with a cover portion for covering the guide rail (fig.4).

Ito does not explicitly disclose a platen for supporting a recording medium. It would have been obvious in one ordinary skill in the art to provide a platen for supporting the recording medium because when feeding out from the input tray, the recording medium must supports by something such as platen or roller.

3. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al (USPN 5,075,609) in view of Angulo (EP 1029 696).

Ito fails to teach the recording head is detachably mounted to the carriage and is provided with a casing having an opening for detachably mounting the recording head a head set lever for mounting and demounting the recording head relative to the carriage and a latch engagement portion for engagement with a latch portion of the head se

Angulo discloses the recording head is detachably mounted to the carriage and is provided with a casing having an opening for detachably mounting the recording head (page 9: line 30-37), a head set lever for mounting and demounting the recording head relative to the carriage and a latch engagement portion for engagement with a latch portion of the head set (page 8: [0107,0108]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the head set lever and the latch engagement as taught by Angulo. The motivation of doing so is to obtain a better locking for the recording head.

Allowable Subject Matter

4. Claims 5 and 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 5 is allowable over prior art of record because at least prior art have not been found to anticipate or teach the latch engagement portion is disposed at a lateral side of the detecting member with respect to the scanning direction of the carriage.

Claim 7 is allowable over prior of record because at least prior art have not been found to anticipate or teach the head set lever is supported on the carriage for rotation substantially coaxially with the guide shaft.

Prior Art Cited

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Miyauchi et al (USPN 5,673,074) discloses in figure 2; a platen (11) for supporting a recording medium (2) at a position opposed to the recording head (19).
- Takizawa (USPN 5,354,136) discloses in figure 1; a platen (21) for supporting a recording medium (20) at a position opposed to the recording head (11)

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ly T. TRAN whose telephone number is 571-272-2155. The examiner can normally be reached on M-F (7:30am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571-272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lt

December 1, 2006

 12/1/06
MANISH S. SHAH
PRIMARY EXAMINER